

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

ROBERT TAYLOR, JOHN WORRALL, §
and GALIA COHEN §

Plaintiffs

V.

THE UNIVERSITY OF TEXAS AT §
DALLAS, RICHARD C. BENSON, §
individually and acting in his official §
capacity, and INGA H. MUSSELMAN, §
individually and acting in her official §
capacity §

Defendants

CIVIL ACTION NO. 3:19-cv-00356

PLAINTIFFS' ORIGINAL COMPLAINT

TO THE HONORABLE JUDGE OF SAID COURT:

Plaintiffs, Robert Taylor, John Worrall, and Galia Cohen file this Original Complaint, complaining of Defendants, The University of Texas at Dallas, Richard C. Benson, individually and acting in his official capacity as President of The University of Texas at Dallas, and Inga H. Musselman, individually and acting in her official capacity as Vice President for Academic Affairs and Provost of The University of Texas at Dallas, and in support thereof, would respectfully show the Court as follows:

INTRODUCTION

Beginning in late 2017, The University of Texas at Dallas (“UTD”), its President, Richard C. Benson (“Benson”), and its Vice President of Academic Affairs and Provost, Inga H. Musselman (“Musselman”), began analyzing the process by which students attending a certain master’s program at UTD were given grades and credit in courses they had previously completed

elsewhere. The three Plaintiffs include two highly respected and tenured professors in the Criminology Program of UTD's School of Economic, Political, and Policy Sciences, Dr. Robert Taylor ("Dr. Taylor") and Dr. John Worrall ("Dr. Worrall"), along with another respected, although non-tenured, member of the criminology faculty, Dr. Galia Cohen ("Dr. Cohen"). (Dr. Taylor, Dr. Worrall, and Dr. Cohen are sometimes collectively referred to herein as the "Plaintiffs" or individually as a "Plaintiff").

One or two other Criminology professors who harbored professional jealousy toward the Plaintiffs had begun spreading false and stigmatizing rumors concerning the transfer or substitution of credits practices used in the Justice Administration and Leadership Graduate Program ("JAL"). The very practices, policies, and procedures that were questioned had been in place for many years and had previously been approved by Plaintiffs' superiors, UTD leadership, UTD's attorney, and the Dean of the School of Economic, Political and Policy Sciences ("EPPS"), who later became Vice Provost of Academic Affairs for UTD.

Accordingly, central administration (the highest level administrators at UTD) had long had actual knowledge of the practices and policies in question. Defendant Benson, as President of UTD, is charged with knowledge of the practices and policies in question since at least July 2016. Defendant Musselman, as Vice President of Academic Affairs and Provost of UTD, is charged with knowledge of the practices and policies in question since at least December 1, 2017. Both had actual knowledge.

On February 21, 2018, Defendant Musselman, sent a memo addressed to Voting Faculty, Criminology Program, School of Economic, Political Policy Sciences, with a copy to Denis Dean, then-Dean of EPPS, with a reference line of "Meeting of the Faculty" (the "02.21.18 Musselman

Memo”), that related to, among other things, her review of the JAL program and the credit substitution process (the “Substitution Process”), and included the following statement:

“From my study of these matters and from intensive discussions with the leadership of these two institutes, ***I have concluded***, in agreement with the members of the Criminology faculty who designed and administer the JAL program, ***that the Institute courses are fully legitimate substitutions for the parallel JAL courses.***”

02.21.18 Musselman Memo (emphasis added). A true and correct copy of the 02.21.18 Musselman Memo (exclusive of attachments or exhibits) is attached hereto as **Exhibit 1** and made a part hereof.

As Defendants well knew, the Substitution Process was as follows: students would enroll in a specific UTD course within JAL, furnish proof of having completed an equivalent course elsewhere, including proof of the grade received in such previous course, and then not be required to attend the UTD class. If these requirements were met, the student would receive *the same grade in the UTD course at the end of the semester which the student had earned in the equivalent non-UTD course*. No student ever received an “A” under the Substitution Process who had not earned an “A” in the equivalent course elsewhere.

At or around the time Musselman had already reviewed these matters and reached the conclusion that these were “fully legitimate substitutions,” and despite this conclusion, Defendants Benson and Musselman caused a putative “investigation” by a University of Texas System investigator because the false rumors surrounding Plaintiffs relating to the JAL program and the Substitution Process continued and intensified. As a result, Defendants decided to get rid of Plaintiffs, without good cause.

The formal investigation concluded, in a May 9, 2018 investigative report prepared by Trey Atchley, Chief Inquiry Officer, University of Texas System (the “05.09.18 Investigative Report”),

that there was no evidence of intent to defraud, and there was no finding that any individuals had engaged in academic fraud. Despite the 05.09.18 Investigative Report, Benson and Musselman pressed forward in efforts against the Plaintiffs and caused to be sent three substantially similar letters dated July 6, 2018, from Musselman, one to Dr. Taylor, one to Dr. Worrall, and one to Dr. Cohen, providing each of them with notice of “the initiation of termination proceedings,” and setting out scurrilous allegations that they had committed “academic fraud” (collectively, the “07.06.18 Notice Letters”). Defendants know that to be false.

The 07.06.18 Notice Letters addressed to Plaintiffs made a putative offer under Regents Rule 31008 (Termination of a Faculty Member) to discuss the allegations of academic fraud. Despite the 05.09.18 Investigative Report indicating there was no evidence of academic fraud, the 07.06.18 Notice Letters repeated such allegations against Plaintiffs. Accordingly, Plaintiffs attended the requested meeting with their counsel, Frank Hill, who attempted to question Musselman about her allegations, and to determine what “charge” existed.

Despite repeated pleas to be informed why the meeting was called, the Defendants refused to answer such questions and would not say anything. Plaintiffs never received notice of a specific charge or violation of rule or standard that served as the subject of that meeting. Defendant Musselman concluded the meeting by saying that she would let the Plaintiffs know whether she would advance the matter further into termination proceedings.

Over a span of the next seven months, Plaintiffs’ counsel repeatedly requested information on further proceedings and what would be in store for Plaintiffs’ personal and professional futures. With each request, Defendants and their counsel responded that they could not speak about the matter. Plaintiffs had demanded in writing as early as July 16, 2018 a name-clearing hearing for each Plaintiff. Defendants wholly failed to provide a name-clearing hearing, any information on

when a due process hearing may occur, or any other information related to the allegations against the Plaintiffs and the threats against their employment and, for Dr. Taylor and Dr. Worrall, their tenure.

Defendants realized at this point that they had completely bungled the matter, and that the Plaintiffs would resist the wrongful actions. It was the plan of the Defendants to drop the proceeding so that it would not enter the public view. Defendants knew that if they granted a hearing, the matter would certainly be regarded as a “scandal” because Defendants had characterized it as academic fraud (which was discredited by the 05.09.18 Investigative Report).

On or about January 31, 2019, Defendants realized that the matter was about to be made public in an exposé run by the *Dallas Morning News* (the “DMN”). The Defendants then immediately sent a letter to Plaintiffs with a “decision” to move forward with termination proceedings. Ironically, the publication of false and stigmatizing charges of academic fraud against the Plaintiffs was generated by Defendants themselves when they intentionally and unlawfully released and disclosed to DMN copies of the 07.06.18 Notice Letters addressed to Plaintiffs (containing the inflammatory allegations of academic fraud) in response to a request by DMN under Texas open records laws and the Texas Public Information Act (“TPIA”).

Under pertinent provisions of the Texas Education Code, the 07.06.18 Notice Letters were confidential and should not have been released and disclosed by UTD or its officer of public information, Benson. The TPIA establishes both criminal and civil penalties for violations of the Act and the wrongful release of confidential information, and Benson, by causing or permitting the release of such information, has violated the statutory and common law privacy rights and interests of Plaintiffs, and has engaged in official misconduct. Moreover, UTD and Benson engaged in selective disclosure to DMN in a manner designed to maximize the stigma and damage

to the Plaintiffs' reputation by releasing and disclosing to *DMN* the 07.06.18 Notice Letters (containing the allegations of academic fraud), but intentionally withholding from *DMN* the 05.09.18 Investigative Report (containing a finding of no intent to defraud), and Musselman's memo of 2.21.18 (containing Musselman's conclusion that the Substitution Process was legitimate).

It had been the purpose of the Defendants and the University of Texas System, within its upper levels, to conceal the bungled misconduct of UTD and its administrators, namely Benson and Musselman, from the Board of Regents and the Chancellor of the UT System, as well as from the public.

The *DMN* story was published on February 3, 2019, setting out and including details about the JAL program and the credit transfer process that was the subject of the 05.09.18 Investigative Report (the "02.03.19 *DMN* Story"). The 02.03.19 *DMN* Story includes the following statement:

The News pieced together what happened through multiple documents obtained under the Texas open records law. School officials refused to release the investigative report, citing education privacy laws. But *The News* obtained a copy.

The 02.03.19 *DMN* Story identifies the "faculty members at the center of the scandal" as Dr. Taylor, Dr. Worrall, and Dr. Cohen.

With the publication of the 02.03.19 *DMN* Story, Defendants could no longer conceal their misconduct, including their approval (or the approval by past central administrators) over the years of the policies and programs in question. They rushed forward to pin blame on the Plaintiffs for the allegedly wrongful credit transfer policies, notwithstanding the fact that at least five other UTD faculty, including other tenured professors, had participated in the JAL program's Substitution Process. On February 6, 2019, Benson issued a lengthy statement to the campus community that was laced with innuendo and factual inaccuracies.

The seven month delay has prevented Plaintiffs from clearing their names, in that no hearing date has even yet been set. On February 11, 2019, Plaintiffs were finally informed that Benson would meet with them, ostensibly to decide whether to “go forward” with termination. The damage to Plaintiffs’ lives and careers has already materialized, in that offers of employment received by Dr. Worrall and Dr. Cohen have now been withdrawn, after publication of the 02.03.19 *DMN* Story. Further, Dr. Worrall has already been terminated from his position as Director of JAL, and Dr. Cohen has already been terminated from her position as Associate Director of JAL.

Plaintiffs therefore bring this lawsuit in the hopes of bringing sufficient facts to light to clear their good names and hold Defendants responsible for their violations of Plaintiffs’ Constitutional rights. Defendants’ misconduct is ongoing, and continues through the filing of this action, February 12, 2019.

I. Jurisdiction and Venue

1. This Court has jurisdiction over this case pursuant to 28 U.S.C. §§ 1331, 1343 and 1367, and 42 U.S.C. § 1983. Venue is proper in this district and division pursuant to 28 U.S.C. § 1391(b), as a substantial part of the events giving rise to Plaintiffs’ claims occurred in Dallas County, Texas, and one or more of the Defendants reside in Dallas County, Texas.

2. Pursuant to 42 U.S.C § 1983, Plaintiffs allege herein one or more ongoing violations of federal law, and seek prospective relief, declaratory and injunctive, against state officials in their official capacities.

II. Parties

3. Plaintiff, Dr. Taylor, is a citizen of the United States and resides in Dallas County, Texas.

4. Plaintiff, Dr. Worall, is a citizen of the United States and resides in Richardson, Texas.

5. Plaintiff, Dr. Cohen, is a citizen of Israel and a permanent resident of the United States, and resides in Plano, Texas.

6. Defendant, UTD, is an arm or instrumentality of the State of Texas and is a public university organized under the laws of the State of Texas and may be served by serving Richard C. Benson in his capacity as President of the University of Texas at Dallas, Office of the President, 800 West Campbell Road, AD 2.418, Richardson, Texas 75080.

7. The individual Defendants, Benson and Musselman, are sued in their individual capacities, and also in their official capacities, to the extent they were acting on behalf of UTD.

8. Defendant, Benson, is the President of UTD. Service of process may be made upon him at 800 West Campbell Road, AD 2.418, Richardson, TX 75080-3021, or wherever he may be found.

9. Defendant, Musselman, is Vice President of Academic Affairs and Provost of UTD. Service of process may be made upon her at 800 W. Campbell Road, AD23, Richardson, TX 75080-3021, or wherever she may be found.

10. Benson is sometimes referred to herein by his title of President, and Musselman by her title of Provost.

III. Factual Background

11. Plaintiffs, Dr. Taylor and Dr. Worrall, are tenured professors at UTD, who teach at UTD's EPPS in the Criminology Program ("Criminology"). Plaintiff Dr. Cohen is also a professor in Criminology, specifically a senior lecturer. She is a full-time but untenured instructor at UTD, and at no time did she have any role in creating or making policy.

12. To understand the JAL program, and the role of the Substitution Process within it, we first go back to 2008. The Caruth Police Institute (“CPI”) was created in cooperation with the University of North Texas (Denton and Dallas campuses) and UTD in 2008. The *Collaboration Agreement* by and among the City of Dallas, the Dallas Police Department, The University of North Texas component campuses, the University of Texas at Dallas, and the Communities Foundation of Texas was signed on November 11, 2008. Dr. Calvin Jamison, Vice President of UTD was intimately involved in the creation of the CPI and signed the Collaboration Agreement. Clearly, a purpose of CPI was to work with UTD to provide an advanced graduate education program to law enforcement personnel within the Dallas Police Department, including a Lieutenant Leadership Program. Not only did the UTD administration know about the JAL Substitution Process, they explicitly approved it.

13. In furtherance of this mission, the CPI for several years supported Criminology graduate students at UTD both financially with graduate assistantships as well as with extensive research projects at all levels. In or around 2010, UTD established the JAL program as a regular Master’s program within EPPS. The JAL program was developed by EPPS faculty and Dr. James Marquart, then Dean of EPPS, and was approved by the Texas Higher Education Coordinating Board (“THECB”) in March 2010, for fall 2010 enrollment.

14. Then Dean of EPPS, Dr. James Marquart was on the CPI Advisory Board. In late 2010, Dr. Taylor was recruited to the UTD and began work on January 1, 2011 as professor and program head for the Public Affairs program.

15. Almost immediately, Dr. Marquart and Dr. Taylor began to work with Dr. Karen Jarrell (Assistant Provost and University Registrar), Ms. Serenity King (Assistant Provost for Policy and Program Coordination), and other UTD administrators in order to change the JAL

program to an “executive-style” program. Documents in 2011 reveal that several meetings between these individuals had taken place and that formal approval had to be expressly given by Dean Marquart for the process to move forward. Documents reveal that the graduate catalog copy for the “revised” JAL program needed to be submitted to Dean Cunningham by Dr. Marquart. Dr. Taylor never met directly with Dean Cunningham, nor corresponded directly with him on this process. Indeed, Dr. Taylor never met or conversed directly with Dean Cunningham. On August 17, 2011, only eight months after Dr. Taylor had become an employee of UTD, he received an email from Ms. King indicating that such approval from the UT System to offer the Master of Science in Justice Administration and Leadership as an “executive education” program had been granted. As an executive program, the JAL program was changed to a self-supportive, tuition-driven program that receives no state money, and is primarily meant for mid-level public safety officers.

16. On March 28, 2013, a meeting was called by Dr. Taylor to discuss questions relating to audit and compliance of the new JAL program. Attending this meeting were Ms. Toni Stephens (Director of Audit), Ms. Jennifer Mayes (Director of Compliance), Ms. Nicole Smith (Budget Officer for EPPS), and Dr. Denis Dean (the New Dean of EPPS). Dr. Marquart had previously been promoted to Vice Provost. During this meeting, all individuals were given copies of the Justice Administration and Leadership: General Policies and Procedures (“JAL Policies and Procedures”) document, all financial records on the program to date, and a detailed list of questions that acted as the agenda for the meeting.

17. Specific policies and memoranda were developed relating to academic credit for attending the CPI, ILEA, or FBI NA. Dr. Taylor sent a detailed memorandum to Dr. Marquart discussing the policy regarding academic credit for JAL students attending CPI or ILEA courses,

and Dr. Marquart acknowledged and accepted such policy on behalf of UTD on or about February 14, 2012. This occurred at the time when Dr. Marquart was the Dean of EPPS and the immediate supervisor of Plaintiffs. JAL policies and procedures were given to Dr. Marquart for acceptance and review, and they were greeted with enthusiastic support. These same policies and procedures were openly shared with members during the March 28, 2013 audit and compliance meeting that included Dr. Dean. And again, there was never a question as to the substitution of non-credit work for up to 6 hours of academic credit from CPI, ILEA, FBI NA, or LEMIT from any UTD administrator, or academic dean.

18. In June 2014, the JAL program received additional approval and support. Dr. Taylor was notified by Dr. Hobson Wildenthal, then Executive Vice President and Provost for UTD, Dr. Dean (EPPS) and Ms. Toni Stephens (Executive Director of Audit and Compliance) that an operational audit of all Executive Education programs at UTD was to take place during FY 2014. As such, the JAL program was a part of this audit process and passed successfully, with no exceptions. The objective of the audit was to provide assurance that an adequate system of internal controls is in place which would provide reasonable assurance of sound management, safeguarding of assets, effectiveness and efficiency of operations, compliance with applicable laws, policies, and procedures, and the reliability and integrity of financial and operational information. This report was presented to Dr. David Daniel (then President of UTD) and Dr. Wildenthal in April 2015. Dr. Wildenthal is the past President Ad Interim of UTD (2015-2016) and currently the Executive Vice President at the UTD. Dr. Benson and Dr. Musselman were or should have been aware of the results of this audit

19. ILEA is part of the Center for American and International Law (CAIL) located in Plano, Texas. It is a nationally prominent advanced supervision, management, and leadership

training center for police supervisors and executives. Formerly the Southwestern Law Enforcement Institute, the ILEA center was located on the campus of the University of Texas at Dallas from 1974 to 1996. Indeed, it was in the mid-1980's that Dr. Taylor first began teaching as part of the regular faculty in the Supervision Course and Command College for the Institute while it was located in Hoblitzelle Hall on the campus of UTD. ILEA is similar to CPI in that they both serve to further the advancement of public safety personnel in the Dallas area specifically, and the State of Texas generally, by offering multi-week, high-quality, and rigorous supervision, management and leadership courses. Several administrative leaders at UTD have been on the Advisory Board for the Institute, including Dr. Lawrence Redlinger (Professor and Executive Director for Strategic Planning) and Dr. Raymond Lutz (Professor and Executive Dean of Graduate Studies and Research) at UT Dallas. Both Dr. Redlinger and Dr. Lutz were members of the UTD central administration. Dr. Redlinger remains at UTD in his current position. Dr. Taylor was also a member of the board during the early 2000's and Dr. Cohen is currently a member of the board.

20. For many years, the students enrolled in the Executive MS-JAL program who successfully attended either CPI or ILEA were offered academic credit based on equivalent coursework. They were not simply "given A's" for courses they did not attend. JAL students received the grade they earned while attending the appropriate courses at ILEA or CPI that substituted for CRIM 6390: Administration and Leadership in Justice Administration; and/or CRIM 6395: Contemporary Issues in Justice Administration in the JAL program. The Substitution Process was described in the JAL *Policies and Procedures*. This document which includes a detailed section entitled, *Relationship with the Caruth Police Institute and Other Command Management Programs* JAL Policies and Procedures and the Substitution Process was reviewed

and approved by the then-Dean of EPPS (Dr. James Marquart) at UTD and the UTD attorney, Ms. Maggie Wilensky.

21. Thus, for many years, UTD offered academic credit and grades in the JAL program based on equivalent coursework students completed at the CPI or the ILEA. When the JAL program was created, a policy was put in place to award substitution credit for up to 6 of the required 30 hours for students who completed command classes at ILEA and CPI which were identical to UTD's.

22. The JAL's Substitution Process was known and approved by UTD administration, including without limitation UTD's President, Benson, and UTD's Vice President of Academic Affairs and Provost, Musselman. The Substitution Process was not hidden from UTD central administration, but, rather, was transparent to the professors and the administration. Benson, Musselman, and other UTD administration are charged with knowledge of the Substitution Process and its policies and practices of UTD with regard to the CPI and ILEA and giving UTD grades and credit for coursework completed at CPI and ILEA.

23. In the Fall of 2015, Dr. Worrall took over directing the JAL program from Dr. Taylor, who had directed it since 2012. Earlier, in or around 2014 Dr. Cohen had become Associate Director of JAL, and she remained in such position when Dr. Worrall became Director.

24. In the Fall of 2017, a new Criminology professor who was asked to teach in the JAL program expressed that he was uncomfortable with the JAL program's Substitution Process and discussed it with a colleague who further discussed it with the graduate dean. The graduate dean then discussed concerns about the Substitution Process with Musselman.

25. The long-since approved Substitution Process was described by the concerned professor in inaccurate, highly distorted, almost conspiratorial terms, as though it was shrouded in

secrecy and covered up from the central administration. This was not the case at all; the Substitution Process was documented, approved from above, advertised, and marketed. The very procedures and practices at issue in the Substitution Program had been in place for several years by this time and were approved by Plaintiffs' superiors including the EPPS Dean (who later became the Vice Provost of Academic Affairs for UTD), and the UTD attorney.

26. Accordingly, the UTD central administration, including President (and Chief Information Officer) Benson and Musselman had actual knowledge of the practices in question. In the alternative, Benson and Musselman are charged with knowledge of the JAL program's Substitution Process, since at least July of 2016 for Benson and December 1, 2017 for Musselman when she became UTD's Provost. Nevertheless, Provost Musselman launched a full-scale investigation into the matter, headed up by the UT System's Chief Inquiry Officer.

27. During 2018, the UTD administration did a 180 degree about-face concerning the propriety of JAL's Substitution Process. The inquiry launched in January 2018. In correspondence the Provost invoked the term "academic fraud" to describe the previously-approved Substitution Process. Emails were forwarded, meetings were held, and documents were scrutinized. Numerous individuals, including Plaintiffs, were interviewed by the Inquiry Officer. A final report was issued in May of 2018. The report alleged that Worrall "may have known" that the Substitution Process somehow violated UTD policy, which he did not, never indicated that Dr. Cohen knew, which she did not, and ultimately found no evidence of intent to defraud and no evidence of financial impropriety.

28. As set out above, Musselman herself, in the 02.21.18 Musselman Memo, stated as follows:

From my study of these matters and from intensive discussions with the leadership of these two institutes, ***I have concluded***, in agreement with the

members of the criminology faculty who designed and administer the JAL program, *that the institute courses are fully legitimate substitutions for the parallel JAL courses.*

02.21.18 Musselman Memo (emphasis added); Exhibit 1. Incredibly, this is the same Defendant who accused Plaintiffs, six months later, of academic fraud, based on the transfer of credits, and assignment of earned grades, for courses she herself had concluded were “fully legitimate substitutions.”

29. In early 2018, the SACSCOC accreditation reaffirmation was in progress at UTD. UTD disclosed the JAL Substitution Process issue to SACSCOC in January of 2018. When the on-site SACSCOC team visited UTD in March of 2018, a meeting was held to discuss the JAL program Substitution Process. All Criminology faculty met with the SACSCOC team. By this time, UTD had put in place a new procedure for retroactively fixing any problems or issues related to the Substitution Process. The on-site SACSCOC team was content with the changes, but in a final post-visit report asked that the university implement a different policy for awarding such transfer credit going forward. Importantly, UTD *had no policy* for accepting/awarding transfer credit for students who complete courses such as those offered by ILEA and CPI. Everyone was then told that the final reaffirmation decision would come in December 2018.

30. In May of 2018 Musselman notified Dr. Worrall and Dr. Cohen in a terse memo that she was terminating their JAL Director and Associate Director positions effective June 1, 2018. This letter directly violated the letter appointing Dr. Worrall as JAL Director, which provided that the appointment could be terminated with thirty days’ notice, rather than the eight days’ notice Musselman provided, and was a breach of contract. A true and correct copy of the 08.01.17 Appointment Letter **Exhibit 2** and a true and correct copy of the 05.24.18 Term letter **Exhibit 3** are attached hereto and made a part hereof.

31. Dr. Worrall invoked the UTD grievance process to challenge the action. On July 23, 2018, the faculty senate committee responsible for deciding on such matters ruled that Dr. Worrall established a *prima facie* case that Musselman violated law or policy. Dr. Worrall eventually decided not to pursue the matter because the amount of money at issue would have been outweighed by the amount of time and money necessary to fight Musselman's decision. Interestingly, Musselman also said that the position would be eliminated, citing, among other things, a budget deficit in EPPS.

32. On July 6, 2018, Musselman sent letters to Drs. Worrall, Taylor, and Cohen which threatened to invoke termination procedures pursuant to the UT Regents' Rule 31008. In her inflammatory letter Musselman alleged that Plaintiffs "commissioned and committed what amounts to academic fraud." Given the seriousness of the allegations, Plaintiffs secured legal representation and, at Musselman's request, met with Musselman the next week to present a grievance.

33. The crux of Plaintiffs' complaint was as follows: How could the Provost allege academic fraud when a UT system investigation report (i.e., the 05.09.18 Investigative Report) found the exact opposite? Also, how could the Provost pursue termination when "fixes" had already been put in place to address any past flaw in the Substitution Process? The Provost was asked to explain *exactly* what policy/rule/law was violated. The Provost could not point to or explain any such policy, rule or law that was violated.

34. From July 6, 2018 until November 2018¹, Plaintiffs heard nothing concerning the allegations against them and the threatened termination. For approximately seven months, Plaintiffs' attorney wrote to UTD's attorneys and The University of Texas System attorneys,

¹ When Plaintiffs heard of the DMN inquiry; See ¶ 38, *infra*.

inquiring as to the status. Each time, Defendants' attorneys stated they "could not speak about it." Plaintiffs each requested a name clearing hearing, but Defendants denied Plaintiffs a name clearing hearing for over seven months, and have still not agreed to give Plaintiffs a full name clearing hearing.²

35. On information and belief, it was Defendants' plan to drop the proceedings and hope the issue would never see the light of day. Defendants knew that if they granted Plaintiffs the name clearing hearing Plaintiffs requested, then Defendants' decision to characterize the JAL program's Substitution Process as "academic fraud" (along with Defendants' bungling) would give rise to scandal, despite the investigative report by the University of Texas System finding no evidence of intent to defraud, and no evidence of financial impropriety.

36. In November of 2018, Plaintiffs learned that someone filed an open records request for documents related to the JAL Substitution Process. Without notifying Plaintiffs, UTD intentionally and unlawfully produced confidential records concerning Plaintiffs to the DMN and to another requesting person, who, in turn, anonymously submitted them to one or more media outlets, including to an investigative reporter at *DMN*. Among the confidential documents that UTD unlawfully disclosed without authority and without notifying Plaintiffs were: (i) the 07.06.18 Notice Letters containing inflammatory and stigmatizing allegations that the Plaintiffs and Dr. Cohen "...commissioned and committed what amounts to academic fraud" and (ii) the Provost's memorandum terminating Dr. Worrall's and Dr. Cohen's Director and Associate Director positions. Conspicuously absent from the documents was the SACSCOC report, the audit report, the investigative report, the 02.21.18 Musselman Memo, and other exonerating documents. President (and Chief Information Officer) Benson and Provost Musselman are charged with

² Finally, on February 11, 2019, Defendant Benson offered to meet with each Plaintiff for a purported "name-clearing" meeting.

knowledge of this unlawful publishing of Plaintiffs' confidential information. Plaintiffs were never notified before the confidential information was disclosed by UTD and never consented to disclosure.

37. Plaintiffs soon learned that a reporter was looking into the matter and sought counsel. Plaintiffs' attorney, Frank Hill, sent a letter to UTD and UT system attorneys, demanding that UTD issue a statement that it found no evidence of impropriety and would not pursue termination proceedings. His demand letter was ignored.

38. On December 11, 2018, UTD was notified that it successfully completed the SACSCOC reaffirmation process. Indeed, it met *all* standards, including, notably, principles 1.1 (academic integrity) and 10.8 (evaluating and awarding academic credit). In short, the JAL Substitution Process—and subsequent fixes—did not threaten UTD's accreditation. Since universities are often found noncompliant with various accreditation principles, this is highly significant. It reinforces the fact that no impropriety took place (or if there was any, it had been repaired).

39. During the last week of January, 2019, a reporter from *DMN* contacted Defendants, and informed them that a story on the credit substitution matter would be running the next weekend. On January 31, 2019, following such media contact Provost Musselman wrote to President Benson, concluding – after seven months of inaction – that termination of Plaintiffs was warranted, thus moving the matter to Benson to decide (see Regents' Rule 31008). As with her previous letters to Plaintiffs, Provost Musselman's letter: (1) did not address which specific policy, law, or regulation, if any, Plaintiffs violated, and (2) failed to mention that the investigators found no evidence of intent to defraud or financial impropriety.

40. Then, on Sunday, February 3, 2019, the 02.03.19 DMN Story was published as a front page article; the article presented a wildly distorted and one-sided account of recent events at UTD. The next day, the *DMN* published an editorial that pointed some of the blame towards the UTD administration.

41. The publication of the false and stigmatizing charges of academic fraud were generated by Defendants themselves when they intentionally and unlawfully disclosed and released the 07.06.18 Notice Letters (i.e., the three letters written and sent by Provost Musselman to each of the Plaintiffs) that falsely accused Plaintiffs of committing academic fraud in connection with the JAL's Substitution Process.

42. Shortly after the publication of the false and stigmatizing allegations, on February 4, 2019, Dr. Cohen's job offer from another university was rescinded. She was specifically told that the rescission of her offer of employment was due to the newspaper story. On February 6, 2019, Dr. Worrall's job offer from another university was rescinded.

43. Defendant, Benson, continued in his willful and malicious actions to destroy the reputations of Dr. Taylor, Dr. Worrall, and Dr. Cohen through his public *Statement Regarding the JAL Executive Education Program* dated February 6, 2019 (the "02.06.19 Statement"). While the 02.06.19 Statement makes clear that "There has been no evidence indicating any expenditures violated University policies or were otherwise improper," it fails to clearly show that UTD profited from the Executive MS-JAL program to the tune of over \$2 million. Moreover, such profits from executive programs are not uncommon at universities across this country and even at UTD where a very profitable Executive MBA resides in the Jindal School of Management.

44. Further, Benson's 02.06.19 Statement indicates that there was a violation of the academic transfer policy of the university. In fact, Defendants, Benson and Musselman, were and

are well aware that the JAL program accepted up to 6 hours of a 30-hour program for select students who attended professional and advanced supervision, management, and leadership classes at CPI (Dallas), ILEA (Plano), or the FBI National Academy (Quantico, VA). Each of these institutions have national reputations. CPI is an integral part of the University of North Texas at Dallas, ILEA (formerly the Southwestern Law Enforcement Institute) was physically located on the campus of UTD for over 20 years, and the FBI National Academy is associated with the University of Virginia. Each of these advanced police administration training institutes is not an academic institution. Therefore, the Substitution Process with regard to classes from these institutions did not violate UTD's academic transfer policy, which only addressed credits from academic institutions.

45. The efforts of Defendants, Benson and Musselman, though the Southern Association of Colleges and Schools—Commission on Colleges (SACSCOC) focused on the development of a missing policy within UTD to substitute non-credit experiential work and professional training for academic credit. Indeed, UTD now accepts such substitution of classes from CPI and ILEA.

46. Benson's 02.06.19 Statement also fails to mention that Dr. Cohen and Dr. Taylor taught at both CPI and ILEA. Indeed, Dr. Taylor was the founding executive director of CPI stemming from a \$9.5 million grant (Dr. Taylor was the Principal Investigator) from the Communities Foundation of Texas in 2008. UTD was a strategic partner in this grant. Dr. Taylor was recruited specifically from the University of North Texas and CPI to build graduate programs for the UTD in fulfilment of this strategic partnership.

47. Benson's 02.06.19 Statement also fails to mention that for many of the outstanding students who graduated from the JAL program and received substitute credit, Dr. Taylor taught

the exact same course (Police Administration) at CPI or ILEA, using the exact same book and much of the same lecture material used in his class, CRIM 6390: Administration and Leadership in Justice Agencies, one of the classes that was substituted by students attending CPI and ILEA. *Students were never simply given “A” grades for not attending class, but rather the grade they earned at CPI or ILEA after attending the full-time 4 or 6- week advanced supervision, management, and leadership classes.* Emails in possession of Defendants, Benson and Musselman, clearly show that student participation in the CPI or ILEA courses were confirmed and students’ grades for the UTD courses reflected the grade they received (earned) while attending these advanced supervision, management and leadership courses.

48. The true nature of Benson’s 02.06.19 Statement is that it was a weak attempt to cover his (and Musselman’s) malicious actions against Dr. Taylor, Dr. Worrall, and Dr. Cohen. Benson’s 02.06.19 Statement to the campus community states that the entire practice of awarding substitute credit for two classes within the JAL program was “carefully hidden from central UT Dallas academic administration.” This re-published false and stigmatizing allegations against Plaintiffs. Nothing could be further from the truth. Almost every recruiting brochure, document, or effort issued by the JAL program touted the unique relationship of the JAL program to CPI and ILEA, and the ability to substitute work from these outstanding professional institutions for up to 6 hours within the JAL program. This fact is well documented throughout the Dallas law enforcement community.

49. Nothing about the JAL program was ever "carefully hidden" from UTD central administration or anyone else. Drs. Taylor, Worrall and Cohen are proud of their associations with the law enforcement and public safety communities and stand by their efforts to substitute

high-quality, advanced supervision, management and leadership training for up to 6 hours of academic coursework in the JAL program³.

IV. Causes of Action

50. Alternative Pleadings. To the extent necessary, each of the claims set forth below is pleaded in the alternative.

A. Count One:

Deprivation of Liberty Interest without Procedural Due Process

All paragraphs above and below are adopted by reference as if fully stated herein.

51. A liberty interest arises when a state actor makes a charge against a state employee that might seriously damage his or her standing and associations in the community or would impose a stigma or other disability that forecloses his or her freedom to take advantage of other employment opportunities. *E.g. Board of Regents v. Roth*, 408 U.S. 564, 569, 92 S.Ct.2701, 2705, 33 L.Ed.2d 548 (1972).

52. Federal courts employ a ‘stigma plus’ test in determining whether an individual has been deprived of a liberty interest without due process. An individual’s charge that a state actor defamed him or her, standing alone, and apart from any other governmental action with respect to him or her, does not state a claim for relief under 42 U.S.C. §1983 and the Fourteenth Amendment. *Paul v. Davis*, 424 U.S. 693, 694, 96 S.Ct. 1155, 1157, 47 L.Ed. 2d 405 (1976). Rather, to establish a liberty interest sufficient to implicate the safeguards of the Fourteenth Amendment, the individual must not only be stigmatized but also stigmatized in connection with a denial of a right or status previously recognized under state law. *Moore v. Otero*, 557 F.2d 435, 437 (5th Cir. 1977); *Dennis v. S&S Consol. Rural High School Dist.*, 577 F.2d 338, 341-42 (5th Cir. 1978).

³ To terminate Plaintiffs for allegedly violating some unarticulated “policy” violates Plaintiffs’ right of due process for lack of notice of the proscribed conduct.

53. A false stigma to reputation in conjunction with a failure to rehire an employee (tenured or non-tenured) states a claim under Section 1983 for deprivation of a Fourteenth Amendment liberty interest without due process. *Dennis*, 577 F.2d at 342-43. The liberty protected by the due process clause includes a person's freedom to work and earn a living. *Wells v. Doland*, 711 F.2d 670, 676 (5th Cir. 1983). A government actor cannot terminate the relationship in a manner which might seriously damages the employee's standing and associations in the community, or foreclose his or her freedom to take advantage of other employment opportunities without affording a name clearing hearing. *Id.*; *Dennis*, 577 F.2d at 342-43.

54. Here, the false charge and the stigma to Plaintiffs were part of the termination process. In addition, Plaintiff, Dr. Worrall, has lost his directorship and the higher salary that went with it, and Plaintiffs have also lost monies from teaching summer classes. The ongoing adverse employment actions in connection with the false and stigmatizing statements constitute "stigma plus." In addition, the ongoing denial of a name clearing hearing to Plaintiffs constitutes "stigma plus."

54. On information and belief, it became part of Defendants' plan to drop Plaintiffs' proceedings altogether and hope that their ill-conceived scapegoating effort would not enter the realm of public view. Defendants knew that if they granted the name clearing hearing, the matter would be regarded as a scandal because Defendants had chosen to characterize their accusations against Plaintiffs as academic fraud—despite UTD's own report indicating no academic fraud or financial improprieties.

56. On January 31, 2019 Defendants realized the matter was about to be exposed by *DMN*, and immediately sent Plaintiffs a letter announcing their decision to move forward with termination proceedings. Ironically, the publication of false and stigmatizing charges of academic

fraud were generated by Defendants themselves when they intentionally and unlawfully disclosed and released the 07.16.18 Notice Letters to the *DMN*.

57. On information and belief, it had been the purpose of Defendants and UTD at high levels to conceal their misconduct from the UT Board of Regents and the Chancellor of the UT System as well as the public.

58. The *DMN* ran a front page story, the 02.03.19 *DMN* Story, in the Sunday paper on February 3, 2019, based on the false and defamatory statements made and published by UTD. When the 02.03.19 *DMN* Story was published, Defendants realized they could no longer conceal their misconduct, including their knowledge of the JAL program's policies and procedures in question over the years, and they needed some fall guys. Defendants attempted to shift blame to the Plaintiffs for the allegedly wrongful JAL transfer policies, policies that upper UTD administration had previously approved.

59. Defendants' wrongful conduct is continuing and ongoing through the date of this filing, including on February 6, 2019, when President Benson issued a lengthy written statement claiming his own innocence of any wrongdoing and that he was largely ignorant of his own university's policies (i.e., the 02.06.19 Statement).

60. Further, Plaintiffs have the requisite "stigma plus" based on Defendants' violation of the TPIA, an act by which the State of Texas gave citizens specific privacy rights under the statutes. Where, as a result of the state action complained of, a right or status previously recognized by state law was distinctly altered or extinguished, this is sufficient to invoke the liberty interests and procedural guarantees of the Due Process Clause of the Fourteenth Amendment. *Paul*, 424 U.S. at 711; *Dennis*, 577 F.2d at 341.

61. Defendants' unlawful publication of false and stigmatizing letters constitutes a violation of civil and criminal law. As described below, the letters were confidential, and it was unlawful for Defendants to publish them. Yet that's precisely what Defendants did. As set forth below in paragraphs 94 through 103 (Count Four), the publications of such letters violated the Texas Public Information Act and Section 51.971 of the Texas Education Code.

62. The significant and material damages to Plaintiffs' lives and careers has already materialized in that, as mentioned above, Dr. Worrall and Dr. Cohen had received offers of employment from other institutions, but upon publication of the 02.03.19 *DMN* Story, such offers were withdrawn.

63. Plaintiffs have a protected liberty interest under the "stigma plus" test, and have, on multiple occasions over a period of seven months, requested name clearing hearings. Such requests went unanswered until the first week of February 2019, in the wake of the *DMN* publication. Even now, no actual hearing has been provided or even scheduled.

64. An employee states a claim for denial of a name-clearing hearing if: (1) the employee was discharged or was denied a right or status recognized under law or suffered an adverse employment decision, (2) defamatory charges were made against him or her, (3) the charges were false, (4) no meaningful public hearing was conducted prior to the adverse employment decision, (5) the charges were made public, (6) he or she requested a name clearing hearing, and (7) the request was denied. *E.g.*, *Rosenstein v. Dallas*, 876 F.2d 392, 395-96 (5th Cir. 1989); *Bledsoe v. City of Horn Lake*, 449 F.3d 650, 653 (5th Cir. 2006).

65. As to the first element, Dr. Worrall has been terminated as Director of JAL, and Dr. Cohen has been terminated as Associate Director of JAL. Both have lost income and prestige in connection with the loss of these positions. In addition, a special relationship existed between all

Plaintiffs and UTD, and in this context the State of Texas had conferred upon Plaintiffs both a common law and statutory right of privacy. Through the actions of Benson and Musselman, the State has altered or extinguished this right as to Plaintiffs, which it may not do without due process. *Dennis v. S & S Consol. Rural High School Dist.* 577 F.2d 338, 342 (5th Cir. 1978).

66. As to the second element, defamatory charges that they engaged in academic fraud were made against Plaintiffs.

67. As to the third element, such defamatory charges were false. The UTD internal investigation into Plaintiffs and the 05.09.18 Investigative Report found no wrongdoing by Plaintiffs. Defendant Musselman herself, in the 02.21.18 Musselman Memo to faculty, expressly concluded as follows:

From my study of these matters and from intensive discussions with the leadership of these two institutes, I have concluded, in agreement with the members of the criminology faculty who designed and administer the JAL program, that the institute courses are fully legitimate substitutions for the parallel JAL courses.

In other words, the Substitution Process which Plaintiffs oversaw, openly and with the consent of UTD, was “fully legitimate,” but Defendants would nevertheless denote it as “academic fraud.”

68. As to the fourth element, no hearing was conducted prior to the adverse employment decisions described above. At the only “hearing” held thus far, Defendants and other UTD officials refused to answer any questions posed by Plaintiffs and their counsel, refused to articulate the charges against Plaintiffs, and refused to even describe any policies, procedures, or laws that were violated in connection with the JAL program.

69. As to the fifth element, the charges of academic fraud against Plaintiffs were made public by UTD. UTD published letters accusing Plaintiffs of academic fraud to at least the

following persons: (i) an attorney in Houston, and (ii) the *DMN*, and Benson re-published such charges in his 02.06.19 Statement.

70. As to the sixth element, Plaintiffs have requested name clearing hearings, and these requests have been ignored and effectively denied.

71. As to the seventh element, Defendants have continuously refused to give Plaintiffs their requested name clearing hearings and have refused to even tell Plaintiffs what policy or law they allegedly violated, for seven months and counting.

72. For all of the actions of Defendants described in this Complaint, Defendants were state actors acting under the color of law. Defendants Benson and Musselman acted with malice against Plaintiffs. At all relevant times, Defendants Benson and Musselman were policy makers and were delegated authority as policy makers by UTD and the University of Texas System. The actions taken by Defendants Benson and Musselman were, at all relevant times, the policy of UTD.

73. Defendants' wrongful conduct described herein, including without limitation, the making and publishing of false and defamatory statements about Plaintiffs and refusal to grant name-clearing hearings, is ongoing and continuing conduct. The seven month delay and the refusal to permit Plaintiffs to clear their names in a name clearing hearing continues. Even now, no hearing date is set; only on February 11, 2019 did Defendants offer a "meeting" with Defendant Benson.

B. Count Two:

Deprivation of Property Interests without Procedural Due Process

All paragraphs above and below are adopted by reference as if fully stated herein.

74. The Defendants, individually and in their official capacities, have also deprived Plaintiffs of property interests, without procedural due process, in violation of their rights under

the Fifth and Fourteenth Amendment to the United States Constitution. Specifically, Musselman and Benson have stripped Dr. Worrall and Dr. Cohen of their positions as Director and Associate Director of JAL, which demotion included a cut in pay, without any due process hearing. *See Pierce v. Texas Dep't of Criminal Justice, Institutional Div.*, 37 F.3d 1146 (5th Cir. 1994) (“Adverse employment actions are discharges, demotions, refusals to hire, refusals to promote, and reprimands.”)

75. This adverse employment action and deprivation of property interests triggered Dr. Worrall and Dr. Cohen’s right of due process. It is now impossible to provide a fair due process hearing in part because of the egregious violations of the Texas Public Information Act and Plaintiffs’ rights of privacy. By purposefully stalling and denying procedural due process to Plaintiffs, while wrongfully disseminating misleading and defamatory information, Defendants have effectively and as a matter of law, under these facts, deprived Plaintiffs of procedural due process.

76. In addition, Defendants failed to afford Plaintiffs any meaningful pretermination due process, as required by the Supreme Court in *Cleveland Bd. of Educ. v. Loudermill*, 470 U.S. 532, 105 S. Ct. 1487 (1985). Instead, Plaintiffs were provided only the most perfunctory of meetings, at which Defendants failed and refused to tell Plaintiffs the charges against them and refused to answer questions. These meetings utterly failed to meet the requirement of *Loudermill* that Plaintiffs be provided with oral or written notice of the charges against them, an explanation of the employer's evidence, and an opportunity to present their side of the story. *Id.* at 546, 1495.

77. Even if the requirements of *Loudermill* had been met, however, Defendants’ subsequent failure to promptly provide a full due process hearing, rather than stalling for seven months, has destroyed any possibility of meaningful due process. The opportunity to be heard

must be “at a meaningful time and in a meaningful manner.” *Armstrong v. Manzo*, 380 U.S. 545, 552 (1965). Plaintiffs have an interest in a speedy resolution of the controversy, including the assurance of a prompt hearing, “without appreciable delay.” *See, e.g., Barry v. Barchi*, 443 U.S. 55, 66 (1979). The lack of such promptness may render the adverse employment decision of Defendants unconstitutional. *Id.*

78. As a result of the Defendants’ actions depriving Plaintiffs of their rights to procedural due process under the Fifth and Fourteenth Amendments, Plaintiffs herein sue Defendants pursuant to 42 U.S.C. § 1983.

79. Defendants Benson and Musselman, as state actors, acted wrongfully and maliciously. Despite their possession and knowledge of the UTD investigative report concluding that there was no evidence of academic fraud, Benson and Musselman have continued, and are continuing, in an ongoing process of pursuing disciplinary actions and adverse employment actions against Plaintiffs without providing proper procedural due process.

80. For all of the actions of Defendants described in this Complaint, Defendants were state actors acting under the color of law. Defendants Benson and Musselman acted with malice against Plaintiffs. At all relevant times, Defendants Benson and Musselman were policy makers and were delegated authority as policy makers by UTD and the University of Texas System. The actions taken by Defendants Benson and Musselman were, at all relevant times, the policy of UTD.

81. Accordingly, Plaintiffs seek recovery of the full measure of relief and damages, specifically including mental anguish and emotional distress damages, consequential and incidental damages, as well as prospective and injunctive relief, as set forth in Section V below.

C. Count Three:

Deprivation of Substantive Due Process

All paragraphs above and below are adopted by reference as if fully stated herein.

82. The Defendants, acting individually and in their official capacities, have also deprived Plaintiffs of substantive due process in that Benson's and Musselman's conduct has been arbitrary and capricious, in violation of the Fourteenth Amendment to the United States Constitution.

83. When a plaintiff challenges an adverse employment decision, substantive due process protects the plaintiff from arbitrary or irrational deprivation of plaintiff's property interest. *County of Dallas v. Wiland*, 216 S.W.3d 344, 359-60 (Tex. 2007). A touchstone of due process is the protection of the individual against arbitrary action of government. *Id.* at 361.

84. In this case, Dr. Worrall and Dr. Taylor, as tenured professors, have a property interest in their employment and their tenures. Dr. Worrall and Dr. Cohen had property interests in their directorship and associate directorship of the JAL program, respectively. UTD is arbitrarily and irrationally stripping plaintiffs of their employment and tenure. UTD's actions are continuing and ongoing.

85. UTD's actions are arbitrary, irrational, and capricious because, among other things, UTD had approved, sanctioned, and upon investigation found nothing wrong with the JAL program processes Plaintiffs followed. For instance, (i) UTD's internal investigation has already cleared Plaintiffs of any wrongdoing, finding no academic fraud or financial improprieties, and (ii) the JAL program's policies at issue were already approved by high level UTD administration and a UTD attorney.

86. Despite such prior and continuing approval by UTD, UTD abruptly reversed course on its position as to the propriety of the JAL program Substitution Process without notice to Plaintiffs, and attempted to blame Plaintiffs for following the very processes that UTD had approved and sanctioned. At least five other faculty in UTD's Criminology Program participated in the Substitution Process but have not undergone the threats of termination which Defendants have made against Plaintiffs. Further, UTD repeatedly failed, and continues to fail, to explain to Plaintiffs what policy, rule or law they have allegedly broken.

87. Defendants actions are arbitrary, irrational and capricious—enough so to shock the conscience. Defendants sought to conceal (1) the nature of the programs in question, (2) their earlier approval of the programs (3) the result of the investigation and (4) their belated characterization of the JAL Substitution Process as “academic fraud” from the UT Board of Regents and Chancellor, and from the public. Once it was clear that the JAL Substitution Process was about to be publicly revealed, along with Defendants’ overreaction to it in the 07.06.2018 Notice Letters, Defendants effectively “hung Plaintiffs out to dry” to protect themselves at Plaintiffs’ expense. This arbitrary, irrational and capricious behavior is more than enough to shock the conscience of an ordinary person. On information and belief, it was Defendants’ plan to drop their proceedings against Plaintiffs altogether, and hope the controversy never saw the light of day – until their hand was forced when the *DMN* published its story. Defendants knew that if they granted the name clearing hearing which Plaintiffs were repeatedly demanding, the matter would be regarded as a scandal because Defendants had characterized it as academic fraud—in spite of UTD’s own report indicating no academic fraud or financial improprieties, Musselman’s individual determination that the credit substitutions were legitimate, the affirmation by

SACSCOC of UTD's accreditation, and the development, with SACSCOC's approval, of a specific policy for awarding credit in the JAL program.

87. On January 31, 2019 Defendants realized the matter was about to be exposed by *DMN*, and immediately sent Plaintiffs a letter announcing their decision to move forward with termination proceedings. Ironically, the publication of false and stigmatizing charges of academic fraud were generated by Defendants themselves when they intentionally and unlawfully published the letters to Plaintiffs to the *DMN*.

88. On information and belief, it had been the purpose of Defendants and UTD at high levels to conceal their misconduct from the UT Board of Regents and the Chancellor of the UT System as well as the public.

89. Defendants' wrongful conduct is continuing even through February 6, 2019 when President Benson issued a lengthy written statement claiming his own innocence of any wrongdoing and that he was largely ignorant of his own university's policies (i.e., the 02.06.19 Statement).

90. For all of the actions of Defendants described in this Complaint, Defendants were state actors acting under the color of law. Defendants Benson and Musselman acted with malice against Plaintiffs. At all relevant times, Defendants Benson and Musselman were policy makers and were delegated authority as policy makers by UTD and the University of Texas System. The actions taken by Defendants Benson and Musselman were, at all relevant times, the policy of UTD. Defendants' actions have violated Plaintiffs' substantive due process rights, harming Plaintiffs' employment and tenure property rights, and proximately causing damages for which Plaintiffs sue.

D. Count Four (Pendent State Law Claim):

Privacy Violations/Violation of TPIA and Education Code

91. The TPIA is codified in the Texas Government Code at Chapter 552.

Section 552.101 of the Government Code provides as follows:

Information is excepted from [required public disclosure] if it is *information considered to be confidential by law*, either constitutional, statutory or by judicial decision.

Govt' Code § 552.101 (emphasis added). This section makes clear that the TPIA does not mandate the disclosure of information that other law requires to be kept confidential.

92. Section 552.101 encompasses and incorporates certain statutes that protect information from disclosure including Section 51.971 of the Education Code. Section 51.971 of the Education Code, provides, in relevant part, as follows:

(a) In this section:

(1) "Compliance program" means a process to assess and ensure compliance by the officers and employees of an institution of higher education with applicable laws, rules, regulations, and policies including matters of:

(A) ethics and standards of conduct;

(2) "Institution of higher education" has the meaning assigned by Section 61.003.

...

(c) The following are confidential:

(1) information that directly or indirectly *reveals the identity of an individual who . . . , sought guidance from the office, or participated in an investigation conducted under the compliance program*; and

(d) Subsection (c) does not apply to information related to an individual who consents to disclosure of the information.

Educ. Code § 51.971(a)(c)(1),(d).

93. Under the facts of this case, (i) UTD is an institution of higher education for purposes of Section 61.003 of the Education Code, (ii) there was a “compliance program” involved, as defined in Section 51.971(a)(1) of the Education Code, (iii) there was an investigation and investigative report relating to UTD’s compliance program⁴ (the “05.09.18 Investigative Report”), and (iv) certain individuals participated in the investigation conducted under the compliance program, including Dr. Taylor, Dr. Worrall, and Dr. Cohen.

94. The purpose of the underlying investigation was to assess and assure compliance of the JAL transfer credit process with applicable laws, policies, ethics and standards of conduct, and as such it would be part of UTD’s compliance program.

95. After the issuance of the 05.09.18 Investigative Report, Defendants Musselman, sent the 07.06.18 Notice Letters to Dr. Taylor, Dr. Worall and Dr. Cohen providing them with notice of “the initiation of termination proceedings,” and set out allegations that they had committed “academic fraud.”

96. The 02.03.19 *DMN* Story was published on February 3, 2019 setting out and including information and details relating to the JAL program and the JAL Substitution Process that was the subject of the 05.09.18 Investigative Report. The 02.03.19 *DMN* Story includes the following statement: “The *News* pieced together what happened through multiple documents obtained under the Texas open records law. School officials refused to release the investigative report, citing education privacy laws. But the *News* obtained a copy.” The 02.03.19 *DMN* Story identifies the “faculty members at the center of the scandal” as Dr. Taylor, Dr. Worall, and Dr. Cohen.

⁴ Trey Atchley, Chief Inquiry Officer, University of Texas System, prepared and submitted a report dated May 9, 2018, to Inga Musselman, Provost, UTD, setting out the results of investigation into the Master of Science in Justice Administration and Leadership (JAL) transfer credit process.

97. On information and belief, in response to requests for information from the Dallas Morning News under the TPIA, prior to the publication of the 02.03.19 DMN Story, UTD released and disclosed information to the *DMN* including without limitation *the three 07.06.18 Notice Letters*. The release of the 07.06.18 Notice Letters would directly or indirectly identify individuals (i.e., Dr. Taylor, Dr. Worall, and Dr. Cohen), as participants in the UTD compliance program investigation; thus, the 07.06.18 Notice Letters (and the information contained therein) are confidential under Section 51.971(c)(1) of the Texas Education Code, and UTD was required to withhold such confidential information under Section 552.101 of the Government Code in conjunction with Section 51.971 of the Education Code.

98. The TPIA establishes both criminal and civil penalties for violations of the Act and the wrongful release of confidential information. Dr. Taylor, Dr. Worall, and Dr. Cohen intend to pursue all of their available rights and remedies with respect to UTD's wrongful release and disclosure of confidential information.

99. Under Subchapter I, captioned "Criminal Violations," Section 552.352, captioned "Distribution or Misuse of Confidential Information," the TPIA, in relevant part, states: "A person commits an offense if the person distributes information considered confidential under the terms of this chapter." Govt' Code § 552.352(a). This section applies to information made confidential by law. An offense under this section is a misdemeanor punishable by: (1) a fine of not more than \$1,000; (2) confinement in county jail for not more than six months; or (3) both fine and confinement. *Id.*, § 552.352(b). The section goes on to state: "a violation under this section constitutes *official misconduct*." *Id.*, § 552.352(c).

100. Under UTD's board policy UTDBP3002, the president of UTD, Defendant Benson, is "the officer for public information for his [] institution." As such, he is "the designated agent

for coordinating responses to requests for public information appropriately submitted to” UTD. Benson’s release of the 07.06.18 Notice Letters is therefore official misconduct attributable to him, and a violation of Plaintiffs’ privacy rights.

E. Count Five (Pendent State Law Claim):

Breach of Contract

All paragraphs above and below are adopted by reference as if fully stated herein.

101. The Defendants, acting in their official capacities, through the above-described conduct, have breached Plaintiffs’ employment contracts and/or agreements, causing damages to Plaintiffs for which they here sue.

F. Individual Liability as to All Claims

102. Benson and Musselman are also liable in their individual capacities. Their conduct described herein violates clearly established statutory or Constitutional rights of which a reasonable person would have known at the time of the transgressions. *See Harlow v. Fitzgerald*, 457 U.S. 800, 818 (1982); *Reichle v. Howards*, 566 U.S. 658, 664 (2012). The right to procedural due process has long been clearly established law under circumstances similar to the ones present in this case and Defendants individually are charged with such knowledge. The violations by Defendants individually occurred under current and then-existing law. The actions of the Defendants individually were objectively unreasonable in light of the law that was clearly established at the time of their wrongful actions, complained of herein. The Defendants, individually, are charged with the knowledge that the Plaintiffs had a property interest and a liberty intent within the meaning of the Fourteenth Amendment of the Constitution of the United States; and that Plaintiffs could not be deprived of that property interest without a full due process hearing.

103. In addition to the Constitutional violations, Benson and Musselman violated Plaintiffs' well-established privacy rights arising under the TPIA and the Texas Education Code.

104. The individual Defendants purported to be acting under color of law and were state actors within the meaning of the Fourteenth Amendment of the Constitution of the United States. Their actions were arbitrary and capricious, manifestly unjust and were clear violations of clearly established constitutional and statutory law.

105. Because the Defendants, individually, through the above-described actions, caused spurious and stigmatizing allegations to spread at least on the campus, which false and stigmatizing allegations have gone uncorrected because of Defendants' refusal to give a hearing, Plaintiffs have been deprived of their liberty interest in their personal and professional reputation, again in violation of the Fourteenth Amendment and the clearly established law referred to above. Plaintiffs seek injunctive relief prospectively as set forth in Section V below.

V. Request for Injunctive Relief

106. Plaintiffs seek injunctive relief barring Defendants from terminating them based on any grounds alleged in the 07.06.2018 Notice Letters or the January 31, 2019 letters, because the fundamental requirement of due process – to be heard at a meaningful time and in a meaningful manner with adequate notice – has been lost through Defendants' delays and dissemination of half-truths.

107. In the alternative, Plaintiffs seek a temporary and permanent injunction preventing Defendants from moving forward to terminate Plaintiffs without a name-clearing hearing.

108. In the further alternative, Plaintiffs seek prospective injunctive relief compelling Musselman and Benson to provide them with the requisite due process which has been denied

109. Plaintiffs further seek a temporary and permanent injunction ordering UTD to expunge the false, inaccurate, and defamatory statements regarding Plaintiffs from their files.

110. Plaintiffs incorporate all preceding paragraphs herein by reference.

111. Plaintiffs have demonstrated their substantial likelihood of success on the merits of their claims for deprivation of liberty and property interests without procedural or substantive due process.

112. There is a substantial threat of irreparable injury if the injunction sought by Plaintiffs is not granted, as Plaintiffs' livelihoods and reputations are in danger.

113. The threatened injury to Plaintiffs far outweighs any threatened injury to Defendants.

114. The granting of the injunction will not disserve the public interest, but will instead serve the interests of the public in ensuring that public universities such as UTD are not permitted to violate their employees' Constitutional rights.

VI. Damages

A. Actual Damages.

115. Plaintiffs seek actual damages for their lost income, diminished earning capacity, mental anguish, and other damages under 42 U.S.C. § 1983 or under Texas Law. *See Carey v. Piphus*, 435 U.S. 247, 264 (1978) (allowing recovery of compensatory damages that are supported by competent evidence concerning the alleged injury); *Hafer v. Melo*, 502 U.S. 21, 31 (1991) (allowing uncapped emotional distress damages under Section 1983).

B. Punitive Damages.

116. Plaintiffs further seek punitive damages against Benson and Musselman, individually under 42 U.S.C. § 1983. Benson and Musselman acted recklessly and/or with

callous indifference to the federally protected rights of Plaintiffs. *See Smith v. Wade*, 461 U.S. 30, 51, 56 (1983). As such, Plaintiffs are entitled to punitive damages even in the event this Court does not find the actual damages sought above. *McCullough v. Glasgow*, 620 F.2d 47, 51 (5th Cir.1980).

VII. Fees, Costs and Interest

117. Plaintiffs have retained the law firm of Hill Gilstrap, P.C. to represent them in connection with this matter, and have agreed to pay for such reasonable and necessary services. In addition to and without waiving and/or limiting any other relief requested in this Complaint, Plaintiffs are entitled to and seek to recover their reasonable and necessary attorneys' fees and costs incurred and to be incurred in bringing this suit and in all appeals of this suit, as permitted by law, in equity, and/or pursuant to 42 U.S.C. §§ 1983, 1988(b) and/or Chapter 38 of the Texas Civil Practice and Remedies Code. Additionally, pursuant to 42 U.S.C. § 1988(c), Plaintiffs seek to recover any and all expert fees, which they incur and/or may incur in bringing this suit. Plaintiffs also seek to recover costs of court, along with pre-judgment and post-judgment interest at the maximum rate permitted by law.

VIII. Jury Demand

118. Pursuant to Rule 38 of the Federal Rules of Civil Procedure, Plaintiffs request trial by jury.

Prayer

WHEREFORE, PREMISES CONSIDERED, Plaintiffs pray that Defendants be cited to appear and answer, and that, upon final hearing, Plaintiffs recover judgment against Defendants in their official capacities for prospective and injunctive relief and against the Defendants individually for all other relief, including the following:

- (1) any and all amounts recoverable and/or recognizable as damages under law and/or in equity, resulting and/or occasioned by the wrongful acts and/or conduct of Defendants;
- (2) injunctive and other equitable relief to the extent permitted by law and/or equity;
- (3) their litigation expenses and costs, including, but not limited to, their reasonable and necessary attorneys' fees and costs;
- (4) pre- and post-judgment interest at the maximum rate permitted by law;
- (5) costs of court; and
- (6) such other and further relief, general and/or special, at law or in equity, to which Plaintiffs may show themselves to be justly entitled.

Respectfully submitted,

/s/ Frank Hill

Frank Hill

09632000

fh@hillgilstrap.com

HILL GILSTRAP, P.C.

1400 West Abram Street

Arlington, Texas 76013

(817) 261-2222

(817) 861-4685 (fax)

ATTORNEYS FOR PLAINTIFFS

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

I. (a) PLAINTIFFS

(b) County of Residence of First Listed Plaintiff _____
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys (Firm Name, Address, and Telephone Number)

DEFENDANTS

County of Residence of First Listed Defendant" _____
(IN U.S. PLAINTIFF CASES ONLY)"

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF
THE TRACT OF LAND INVOLVED."

Attorneys (If Known)"

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff
- ☐ 2 U.S. Government Defendant
- ☐ 3 Federal Question
(U.S. Government Not a Party)
- ☐ 4 Diversity
(Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- | | PTF | DEF | | PTF | DEF |
|--|----------------------------|----------------------------|--|----------------------------|-----------------------------|
| Citizen of This State | <input type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated or Principal Place of Business In This State" | <input type="checkbox"/> 4 | <input type="checkbox"/> 4" |
| Citizen of Another State | <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business In Another State" | <input type="checkbox"/> 5 | <input type="checkbox"/> 5" |
| Citizen or Subject of a Foreign Country" | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation | <input type="checkbox"/> 6 | <input type="checkbox"/> 6" |

IV. NATURE OF SUIT (Place an "X" in One Box Only)

Click here for: [Nature of Suit Code Descriptions.](#)"

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury - Medical Malpractice PERSONAL INJURY <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 367 Health Care/Pharmaceutical Personal Injury Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 690 Other LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Management Relations <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 751 Family and Medical Leave Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Employee Retirement Income Security Act IMMIGRATION <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 465 Other Immigration Actions"	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 835 Patent - Abbreviated New Drug Application <input type="checkbox"/> 840 Trademark SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<input type="checkbox"/> 375 False Claims Act" <input type="checkbox"/> 376 Qui Tam (31 USC 3729(a))" <input type="checkbox"/> 400 State Reapportionment" <input type="checkbox"/> 410 Antitrust" <input type="checkbox"/> 430 Banks and Banking" <input type="checkbox"/> 450 Commerce" <input type="checkbox"/> 460 Deportation" <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations" <input type="checkbox"/> 480 Consumer Credit" <input type="checkbox"/> 490 Cable/Sat TV" <input type="checkbox"/> 850 Securities/Commodities/"Exchange" <input type="checkbox"/> 890 Other Statutory Actions" <input type="checkbox"/> 891 Agricultural Acts" <input type="checkbox"/> 893 Environmental Matters" <input type="checkbox"/> 895 Freedom of Information Act" <input type="checkbox"/> 896 Arbitration" <input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of" Agency Decision" <input type="checkbox"/> 950 Constitutionality of" State Statutes"
REAL PROPERTY <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	CIVIL RIGHTS <input type="checkbox"/> 440 Other Civil Rights <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 448 Education PRISONER PETITIONS Habeas Corpus: <input type="checkbox"/> 463 Alien Detainee <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty Other: <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition" <input type="checkbox"/> 560 Civil Detainee - "Conditions of Confinement"			

V. ORIGIN (Place an "X" in One Box Only)"

- ☐ 1 Original Proceeding" ☐ 2 Removed from State Court" ☐ 3 Remanded from Appellate Court" ☐ 4 Reinstated or Reopened" ☐ 5 Transferred from Another District" (specify)" ☐ 6 Multidistrict Litigation - Transfer" ☐ 8 Multidistrict Litigation - Direct File"

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):"

Brief description of cause:"

VII. REQUESTED IN COMPLAINT:

☐ CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P."

DEMAND \$

CHECK YES only if demanded in complaint:"

JURY DEMAND: ☐ Yes ☐ No"

VIII. RELATED CASE(S) IF ANY

(See instructions):"

JUDGE

DOCKET NUMBER"

DATE

SIGNATURE OF ATTORNEY OF RECORD"

FOR OFFICE USE ONLY"

RECEIPT #

AMOUNT

APPLYING IFP

JUDGE

MAG. JUDGE"



Office of the Provost

THE UNIVERSITY OF TEXAS AT DALLAS

800 W. CAMPBELL ROAD RICHARDSON, TEXAS 75080-3021
(972) 883-2271 FAX (972) 883-2276

To: Voting Faculty, Criminology Program
School of Economic, Political and Policy Sciences

cc: Denis Dean, Dean, EPPS

From: Inga H. Musselman, Provost

A handwritten signature in black ink that reads 'Inga Musselman'.

Date: February 21, 2018

Re: Meeting of the Faculty

I am requesting a meeting with you to discuss the requirements for the Executive MS in Justice Administration and Leadership (MS-JAL) degree. In preparation for the meeting, I am attaching a memorandum suggesting a policy statement for the voting faculty of the Criminology program to consider for approval. I think that approval of this policy statement will resolve constructively the problems that have been created by the process by which credit for prior educational attainments has been granted to MS-JAL students in the past, in fulfillment of promises made to them upon their enrollment in the MS-JAL program.

I also attach material germane to the issue from the Caruth Police Institute of the University of North Texas at Dallas and the Institute for Law Enforcement Administration of The Center for American and International Law. From my study of these matters and from intensive discussions with the leaderships of these two institutes, I have concluded, in agreement with the members of the Criminology faculty who designed and administer the JAL program, that the Institute courses are fully legitimate substitutions for the parallel JAL courses.

Background material for consideration by the faculty of the Criminology program includes:

1. September 10, 2012 memorandum regarding initiation of the Executive MS in Justice Administration and Leadership degree program.
2. Information on the Caruth Police Institute of the University of North Texas at Dallas and its programs for administrators in law enforcement.
3. Information on the Institute for Law Enforcement Administration of The Center for American and International Law and its programs for administrators in law enforcement.
4. Draft MOU between UT Dallas and the Caruth Police Institute.
5. Draft MOU between UT Dallas and the Institute for Law Enforcement Administration.

EXHIBIT 1



Office of the Provost

THE UNIVERSITY OF TEXAS AT DALLAS

800 W. CAMPBELL ROAD RICHARDSON, TEXAS 75080-3021
(972) 883-2271 FAX (972) 883-2276

To: Voting Faculty, Criminology Program
School of Economic, Political and Policy Sciences

cc: Denis Dean, Dean, EPPS

From: Inga H. Musselman, Provost *Inga Musselman*

Date: February 21, 2018

Re: Approval of Transfer Credit Options in Satisfaction of Requirements for the Executive Master of Science Degree in Justice Administration and Leadership

As you may know, the Executive MS in Justice Administration and Leadership program has been awarding transfer credit for courses offered by the Institute for Law Enforcement Administration of The Center for American and International Law (ILEA) and by the Caruth Police Institute of the University of North Texas at Dallas (CPI) by an unapproved method. This needs to be resolved. One part of this resolution requires a faculty judgment on the merit of awarding the credit, and the other part a recommendation regarding the practice to be used in doing so. The following is a draft policy that would resolve both of these questions if, as a faculty, you consider it consistent with the practices in your discipline. Feel free to modify the wording, if necessary.

The policy:

Courses offered to law enforcement professionals by the Institute for Law Enforcement Administration of The Center for American and International Law (ILEA) and by the Caruth Police Institute of the University of North Texas at Dallas (CPI) are approved as substitutions for six semester credit hours of the thirty semester credit hours required for the Executive Master of Science degree in Justice Administration and Leadership at UT Dallas.

Explanation:

The courses offered by the Institutes more than satisfy the contact hour requirements for the regular university courses for which they will be substituted. The instructors for the ILEA and CPI courses are drawn from the ranks of peer institutions, including UT Dallas faculty, and from the upper echelons of law enforcement officials. Participation in ILEA courses is accepted as credit in satisfaction of similar criminal justice degree requirements at such neighboring institutions as the University of Oklahoma, the University of North Texas, the University of Texas at Arlington, and Tarleton State University, and the University of North Texas at Dallas grants credit for CPI courses to students who participate in their graduate programs.

Given the unique population of the mid-career law enforcement professionals recruited into the Executive MS in Justice Administration and Leadership, the courses offered by the Institutes provide elements of the degree curriculum that can have equal or greater value than the UT Dallas courses for which they might be substituted. Participation in the courses offered by the Institutes by professional employees of local government law enforcement agencies is encouraged by these agencies through

2.

coverage of tuition and fees for the Institute courses in the same fashion as is done for UT Dallas course work.

UT Dallas has long histories of cooperation with both ILEA and CPI. A memorandum of cooperation between the CPI and UT Dallas was signed as long ago as 2008, and ILEA was housed in Hoblitzelle Hall for many years before moving to their own quarters in the Legacy area. The designers of the Executive MS in Justice Administration and Leadership program intended that the appropriate courses offered by the Institutes could be substituted for six credit hours of the MS program, so as to not oblige the students to perform duplicate work. This resolution by the Criminology faculty will serve to regularize the process by which this credit is recorded on UT Dallas transcripts. After approval, the UT Dallas Registrar will, upon receipt of confirmation from CPI or ILEA of successful completion of the appropriate Institute programs, note this transfer credit on the transcripts of the JAL students.



School of Economic, Political and Policy Sciences

Denis J. Dean, Dean

utdallas.edu

utdallas.edu/epps

August 1, 2017

Professor John Worrall
School of Economic, Political & Policy Sciences

Dear Dr. Worrall:

I am pleased to offer you appointment as Head of the Justice Administration and Leadership (JAL) initiative for the period of September 1, 2017 through August 31, 2018. Your duties as Head of JAL include but are not limited to all aspects of governance and management of the initiative, curriculum development and delivery, faculty and personnel matters, student matters, and management of the initiative's budget in accordance with good business practices that comply with all applicable laws and regulations and with University policies and procedures.

In addition to the benefits you receive as Professor in EPPS, with your appointment as Head of JAL you will receive:

1. A reduction of your instructional obligations by two classes per year.
2. An administrative salary of \$1,416.67 per month, taken from JAL program funds, payable to you once a month throughout the 12 month calendar year.
3. A \$5,000 fund, taken from JAL program funds, which may be spent for either research support (e.g., conference travel, data and/or equipment purchase, graduate student support, etc.) or to support a portion of your summer salary.

This agreement will be reviewed and renewed annually. Either you or the Dean of EPPS can cancel the agreement at any time with a 30-day notice. If the agreement is cancelled in the middle of the fiscal year, the administrative salaries will be prorated according to the portion of the year you served in the JAL Head position.

Sincerely,

Denis J. Dean, Ph.D.
Dean, School of Economic, Political & Policy Sciences

Indicate your acceptance of this offer by signing a copy of this letter and returning it to me.

I accept this appointment.

Dr. John Worrall

Date 8/30/17

THE UNIVERSITY OF TEXAS AT DALLAS

800 W Campbell Road GR31
Richardson Texas 75080-3021
972-883-6852 Fax 972-883-6297

EXHIBIT 2



Office of the Provost

THE UNIVERSITY OF TEXAS AT DALLAS

800 W. CAMPBELL ROAD RICHARDSON, TEXAS 75080-3021
(972) 883-2271 FAX (972) 883-2276

May 24, 2018

Professor John Worrall
School of Economic, Political and Policy Sciences
The University of Texas at Dallas
Richardson, TX 75080

Dear Professor Worrall:

This is to notify you that your administrative appointment as Director of the Executive MS in Justice Administration and Leadership Program is terminated effective June 1, 2018. All compensation associated with this administrative appointment is likewise terminated as of this same date.

Sincerely,

Inga H. Musselman
Vice President for Academic Affairs and Provost

xc: Nicole Leeper Piquero, Head, Criminology Program
Nicole Smith, Fiscal Officer, EPPS

EXHIBIT 3